

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**UNITED STATES OF AMERICA**

**CRIM. ACTION NO. 98-30010-13**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**JEFFREY J. LIGHTEN**

**MAG. JUDGE KAREN L. HAYES**

**RULING**

Pending before the Court is a Motion to Vacate, Set Aside, or Reduce Sentence [Doc. No. 1348] filed by Jeffrey J. Lighten (“Lighten”), pursuant to 28 U.S.C. § 2255.

On September 26, 2002, Lighten filed a § 2255 *habeas* petition [Doc. No. 1006] with this Court that was dismissed pursuant to an April 12, 2004 Judgment. [Doc. No. 1101]. Although Lighten appealed, both this Court and the United States Court of Appeals for the Fifth Circuit denied a certificate of appealability. [Doc. Nos. 1107 & 1122].

On February 2, 2005, the Court received another § 2255 *habeas* petition from Lighten, which was not deemed to be successive and was fully considered by the Court. In a June 13, 2005 Judgment [Doc. No. 1152], the Court denied this second § 2255 *habeas* petition. Lighten did not appeal.

On February 21, 2006, the Court received a document from Lighten, entitled “Motion for Relief from Judgment.” [Doc. No. 1187]. The Court construed that document as a successive § 2255 *habeas* petition and dismissed it for failure to obtain leave for filing from the Fifth Circuit. [Doc. Nos. 1188 & 1189]. This Court and the Fifth Circuit again denied a COA. [Doc. Nos. 1197 & 1243].

Lighten again seeks relief pursuant to § 2255 and raises claims that he could have raised in his prior petitions. Because Lighten has filed two previous *habeas* petitions that were considered by the Court, this successive petition requires certification by the Fifth Circuit prior to its filing. 28 U.S.C. §§ 2244, 2255. Lighten did not seek and obtain certification.

Accordingly, Lighten's § 2255 *habeas* petition [Doc. No. 1348] is DISMISSED WITHOUT PREJUDICE.

MONROE, LOUISIANA, this 13<sup>th</sup> day of July, 2012.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE